

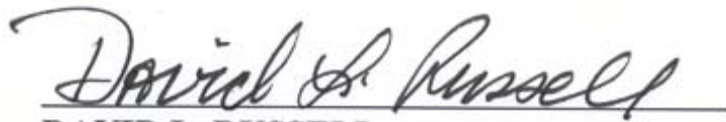
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CLIFFORD N. HABECKER,)	
)	
Plaintiff,)	
)	
v.)	CIV-04-648-R
)	
OKLAHOMA DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Bana Roberts entered April 25, 2005. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Report and Recommendation is ADOPTED in its entirety; the motion to dismiss filed by Defendants Ward and Cotner is GRANTED and Plaintiff's claims for damages against those Defendants in their official capacities are DISMISSED; the amended motion for summary judgment of Defendants Ward and Cotner is GRANTED; the motion for summary judgment of Defendants Miller, Booker, Fogle, Schuler, Williams, Wackenhut Corrections Corporation and LFC is GRANTED; and Plaintiff's Complaint against Defendants Ward, Cotner, Miller, Booker, Fogle, Schuler, Williams, Wackenhut Corrections Corporation and LFC is DISMISSED without prejudice to refile for failure to exhaust administrative remedies.

IT IS SO ORDERED this 19th day of May, 2004.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE